

Sarah Steinhardt



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Profile

Sarah Steinhardt specialises in housing and community care, education and discrimination law, and in related public law. She has particular expertise in cases involving mental health and learning disabilities, and she is frequently instructed on behalf of the Official Solicitor.

Sarah is particularly noted for her expertise in discrimination in housing and other discrimination outside of the employment field, and she enjoys working proactively and imaginatively to achieve positive outcomes for clients. She is astute to public funding issues and costs and always happy to discuss possible strategies at an early stage.

Sarah has been ranked in Chambers and Partners for Social Housing since 2016. The current edition (2020) says that she is an *"... effective, accomplished advocate with pronounced expertise in mental capacity and Equality Act issues in the context of social housing. Her impressive practice takes in homelessness cases and challenges to allocation schemes. She regularly handles disability discrimination matters as part of her diverse practice. Steinhardt is frequently instructed by the Official Solicitor and is also recognised for her strength in housing benefit disputes."* Contributors note she is *"one of the best Equality Act lawyers I have worked with."* *"She is extremely practical and straightforward and tries to achieve the best for her clients."*

Previous editions of the Guide reported that Sarah was *"a very impressive advocate, who is sensitive, eloquent and capable;"* *"She is so clever and is a go to on the Equality Act"* (2017-2019), while the 2016 edition reported that Sarah was *"A rising star, able to think outside the box, who is quick on her feet, covers all bases and never loses sight of the prize.";* and *"Very knowledgeable. She will always look for an innovative argument and push the client's case."*

Sarah has also been ranked as a Leading Junior in Legal 500 since 2016. The current edition(2020) reports that *"she is knowledgeable about mental capacity and discrimination in housing"*, while previous editions noted that she was *"particularly knowledgeable on discrimination in the housing arena"* and *"good at turning around documents in short order and to a high standard"*.

Education

BVC (Harmsworth Scholar, Middle Temple), BPP (2008)

LLM Human Rights (First Class, First in Year), London (2007)

GDL, BPP (2006)

BA (Hons) History of Art & Fine Art, London (2002)

Related practice areas

Housing, Social Welfare & Property

Education

Community Care and Health

Anti-Trafficking

Children's Rights Group

Discrimination

Housing and Social Welfare

Sarah practises in the full range of housing matters from possession proceedings and disrepair, to anti-social behaviour injunctions, homelessness and allocations, and unlawful evictions. She frequently acts in cases involving discrimination, public law defences and Article 8 and she represents clients from first hearing, through to trial and appeal, and in enforcement and committal proceedings.

Sarah is particularly well placed to deal with discrimination in housing and is often instructed in cases involving reasonable adjustments, victimisation, Article 14, or the public law equality duty. She is passionate about representing often vulnerable people, and committed to building a good rapport with clients and enabling positive and engaged decision making. She is instructed in anti-social behaviour cases involving those with learning disabilities and mental health conditions, in possession cases brought in the context of cross-allegations of racial abuse and victimisation, and in cases involving young people.

Sarah has particular expertise in disability issues and enjoys acting in cases involving concurrent social services assessments, community care duties, and those raising capacity issues. She often acts on behalf of the Official Solicitor and has a particular interest in the overlap between the those issues, principally in relation to residence and hoarding issues.

Sarah frequently delivers seminars and training on housing. She is the co-author of the Housing title of Atkins Court Forms and of the forthcoming edition of Defending Possession Proceedings. She takes a keen interest in the developing law and welcomes the opportunity to explore novel approaches.

Some recent examples include:

- *Mahindan v Newham*: Successful long running judicial review, appeal, and related Housing Act appeal concerning the suitability of temporary accommodation for significantly disabled woman. (see press coverage [here](#)).
- *MP v Southwark* [2016] EWCA Civ 991: Successful appeal under section 204 Housing Act 1996, and appeals 204A, and to the Court of Appeal in relation to intentional homelessness for applicant with severe learning disabilities and Autism (**[2016] November Legal Action 42**).
- *Stylianou v Alleyne*: Successful counterclaim to possession claim for racial harassment and discrimination. Damages for injury to feelings awarded at the top of the upper

Vento band in sum of £27,500.

- *Uddin v Tower Hamlets*: Successful Housing Act appeal in relation to suitability of accommodation, where HHJ Luba QC found a breach of the PSED in relation to race and religion.
- *Lewisham v LZ*: Successful defence to possession claim on the basis of the Claimant's failure to make reasonable adjustments for disabled tenant who did not understand his obligation to pay rent. Damages for injury to feelings.
- *Khan v Newham*: Successful Housing Act appeal in relation to suitability of temporary accommodation, where HHJ Lamb QC found that the authority had misdirected itself as to s. 206(2)(a) Housing Act and had failed to consider whether it should be charging a reduced or peppercorn rent.
- *Elmer v Wandsworth* [2016] EWCA Civ 1278: Housing Act appeal in relation to intentional homelessness from grossly and statutorily overcrowded premises.
- *Medway v Swain*: Successful public law defence to possession claim on the grounds that the Claimant had failed to comply with the PSED for a disabled tenant.

Equality and Discrimination

Sarah's practice encompasses discrimination law in housing, education and goods and services. It is the common thread running through her practice and as such she is able to employ innovative arguments by reading across practice areas. She is astute to European law arguments (for as long as they last) and has acted in several complex cases involving compliance with the Equal Treatment Directive and direct effect.

Sarah updated the chapter on discrimination in the third edition of *Disabled Children* (Broach and Clements, 2020).

Examples of recent cases include:

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Abrahart v Univesity of Bristol: Reasonable adjustments for a university student with Social Anxiety Disorder with **Heather Williams QC** (see examples of press coverage **here**, **here** and **here**).

- *McCosh v Asda*: Disability discrimination of a supermarket customer.
- *Gomez Bonilla v Greenwich*: Alleged sex / sexual orientation discrimination in homelessness services.
- *Yianni v Southwark*: Disability discrimination in homelessness services, settled for £22,500.
- *AA v Stockport BC*: Race discrimination claim in the provision/arrangement of education.
- *Smith v University of Westminster*: Reasonable adjustments for partially sighted university student.
- *Stylianou v Alleyne*: Successful counterclaim to possession claim for racial harassment and discrimination. Damages for injury to feelings awarded at the top of the upper Vento band in sum of £27,500.
- *Shalom v Newham College*: Alleged failure to deal with racial harassment / victimisation in a college.
- *Carmichael v SoSWP*: Discriminatory application of the 'bedroom tax' for seriously disabled woman (see press coverage **here**, **here**, **here**, and **here**).

Land and Property

Sarah acts in cases including orders for sale, proprietary estoppel matters, boundary disputes, trespass and adverse possession, and nuisance. She has acted for both leaseholders and residents' management companies in service charge disputes in the First-Tier Tribunal (Property Chamber) and in the County Court.

Examples of recent cases include:

- *Constandas v Lysandrou* [2018] EWCA Civ 613; [2018] W.T.L.R. 19: Claim to a beneficial interest in property purchased in 1953. (see press coverage **here**, **here** and **here**)

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- *Sidwell v Clark*: Dispute over rights over shared roof terrace in central London.
- *Sharif v Abergunde*: Linked appeals against party wall awards, and injunction proceedings.
- *Peck v National Trust*: Counterclaim for title by adverse possession.
- *Hertfordshire County Council v Harris*: Trespass / boundary dispute claim involving a school.

Administrative and Public Law

Sarah is frequently instructed in judicial review matters in relation to housing, in particular homelessness and allocations, and under sections 17 and 20 of the Children Act 1989. She also acts in judicial reviews on education and community care matters.

She has a particular interest in the public sector equality duty and in the interrelationship between public sector duties, and private law discrimination claims. For example she acted for a police officer in a case concerning whether breach of public law obligations could raise an inference of discrimination in a private law claim, for a service user in a case concerning reasonable adjustments in the exercise of a public function.

Education Law

Sarah represents parents, students, schools and local authorities in public law education appeals to the First-Tier Tribunal, disability discrimination cases in the FTT and the County Court, and in related judicial review proceedings. She has appeared in cases involving maintained and independent schools, academies and colleges, and in matters involving school transport, EHC Plans, exclusions and admissions, and discrimination.

Examples of recent cases include:

- *Abrahart v University of Bristol*: Reasonable adjustments / negligence for a university student with Social Anxiety Disorder with **Heather Williams QC** (see examples of press coverage **here**, **here** and **here**)

- *R (RR) v Greenwich / R (KS) v Northamptonshire CC*: Judicial reviews of failures to provide education specified in EHC Plans.
- *Bolger v Surrey CC / Cody and Vogel v Remus*: Alleged educational negligence in schools.
- *Saffron v Redbridge*: Successful appeal to the Upper Tribunal on the issue of the cogency of comparative costs for parental preference.
- *SA v West Rise Primary; RB v Aston Fields / CA v Sedghill / CP v Elfrida / LW v Kelvin Grove / CC v Prendergas Ladywell Fieldst*: Alleged disability discrimination of school pupils.
- *WR v Surrey / EM v Redbridge / SP v Richmond / KW v East Sussex / TM v Peterborough*: SEN appeals regarding EHCPs.
- *Smith v University of Westminster*: Failure to make reasonable adjustments for partially sighted university student.
- *Chote v Derby / Mahmood v Buckingham*: University Fitness to Practice proceedings for medical students.
- *AA v Stockport BC*: Race discrimination claim in the provision/arrangement of education.
- *R (AR) v Wokingham*: Judicial review of failure to provide education under section 19 Education Act 1996.
- *R (DA) v Islington*: Judicial review of school transport arrangements for child in temporary accommodation out of borough.
- *Carenza v University of Leicester*: Exclusion from University for reasons alleged to be related to a disability.
- *Shalom v Newham College*: Alleged failure to prevent racial harassment at college, and victimisation.

Community Care and Health

Sarah frequently acts in cases involving sections 17 and 20 Children Act 1989 support and accommodation, provision to care leavers and looked after children, and in Care Act 2015

matters.

She has particular experience and expertise in discrimination law and public/private cross over cases including public law claims with associated damages claims.

- *R (N) v Greenwich* [2016] EWHC 2559: Successful judicial review of refusal to provide accommodation under section 17 Children Act 1989 where the mother did not have the right to rent (**Legal Action 2016/17, Dec/Jan, 17-21**; J.H.L. 2016, 19(5), D71-D72).
- *Saffron v Redbridge*: Successful appeal to the Upper Tribunal on the issue of the cogency required of a care plan in order to be taken into account in making a comparative costs assessment for parental preference.
- *R (Asaolu) v Barking & Dagenham*: Judicial review of the level of subsistence support provided to a family with no recourse to public funds.
- *R (Breeds) v Greenwich*: Successful judicial review regarding retrospective identification of the claimant as a former relevant child who had been accommodated under s.20 Children Act 1989.